

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #2	CCRB Case #: 201806866	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/08/2018 11:30 PM	Location of Incident: East 174th Street and Southern Boulevard	Precinct: 42	18 Mo. SOL 2/8/2020	EO SOL 2/8/2020	
Date/Time CV Reported Thu, 08/09/2018 1:27 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/20/2018 11:03 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Radzinski	17537	959105	042 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Merita Hoxha	11713	955988	042 PCT
2. POM Robert Ramos	17246	959116	042 PCT
3. POM Marquise Walcott	03339	961435	042 PCT
4. POM Andrew Yakubovsky	17793	949813	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Radzinski	Force: Police Officer Christopher Radzinski used physical force against § 87(2)(b)	

Case Summary

On August 9, 2018, Sergeant Matthew Hynes of the 42nd Precinct reported this complaint to IAB via telephone on behalf of § 87(2)(b). The complaint was received at the CCRB on August 20, 2018 via IAB log #2018-31773 (See Board Review #01: Intake Log).

At approximately 11:30 p.m. on August 8, 2018, § 87(2)(b) and § 87(2)(b) were arrested for robbery at the intersection of East 174th Street and Southern Boulevard in the Bronx. As the four prisoners were being loaded into a marked prisoner van, § 87(2)(b) approached the officers who were escorting them. § 87(2)(b) was nine months pregnant at the time. She identified herself as § 87(2)(b)'s girlfriend and asked if she could take custody of his house keys while he was under arrest. Police Officer Christopher Radzinski of the 42nd Precinct stood in front of § 87(2)(b) to prevent her from approaching § 87(2)(b). He allegedly pushed § 87(2)(b) back twice (**Allegation A: Force – Physical force, § 87(2)(g)**). The officers then removed the four prisoners from the location. § 87(2)(b) traveled in person to the 42nd Precinct stationhouse to file a complaint against Police Officer Radzinski. On the way to the stationhouse, she started to experience contractions. She was transported from the stationhouse by ambulance to § 87(2)(b). She was released from the hospital the next day.

Several officers recorded this incident on body-worn cameras, but the NYPD refused to provide the footage because § 87(2)(b) is a minor. The investigation was unable to obtain an unsealing order for § 87(2)(b). As a result, this footage could not be obtained. Video footage was obtained from a school located at the incident location, but the footage did not show this incident (See Board Review #02-03: Video Footage). No other video footage was found for this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Christopher Radzinski used physical force against § 87(2)(b)

§ 87(2)(b) provided a telephone statement on August 24, 2018 (See Board Review #04: § 87(2)(b)'s Telephone Statement). She was interviewed at the CCRB on September 14, 2018. § 87(2)(b) provided a telephone statement on November 16, 2018 (See Board Review #05: § 87(2)(b)'s Statement). The investigation was unable to obtain statements from the other three prisoners (See Board Review #06: Civilian Contact Attempts). Police Officer Merita Hoxha was interviewed at the CCRB on December 5, 2018. Police Officer Radzinski was interviewed on December 10, 2018. Police Officer Robert Ramos and Police Officer Marquise Walcott were interviewed on January 4, 2019.

It is undisputed that § 87(2)(b) approached § 87(2)(b) and the other prisoners as they were being loaded into a prisoner van. § 87(2)(b) attempted to obtain § 87(2)(b)'s house keys. § 87(2)(b) was approximately nine months pregnant at the time. Several officers, including Police Officer Radzinski, stood between § 87(2)(b) and § 87(2)(b). It is also undisputed that after the prisoners were removed from the arrest location, § 87(2)(b) came to the 42nd Precinct

stationhouse and complained that she had been pushed. § 87(2)(b) was transported to Lincoln Hospital by ambulance.

§ 87(2)(b) stated that she arrived at the location after § 87(2)(b) and the other prisoners had been arrested. She saw the four prisoners being loaded into the marked van in handcuffs. § 87(2)(b) walked up to an unidentified officer who was standing with § 87(2)(b). She asked him if she could take custody of § 87(2)(b)'s keys while § 87(2)(b) was in custody. Police Officer Radzinski then stepped between this officer and § 87(2)(b) and told her to step back. § 87(2)(b) tried to step around Police Officer Radzinski to speak with the first officer. Police Officer Radzinski responded by placing both of his hands on § 87(2)(b)'s stomach and pushing her backwards. She stumbled back a few steps but did not fall. § 87(2)(b) immediately started to experience contractions. She asked Police Officer Radzinski why he pushed her when she was clearly pregnant. He told her to back up. In her telephone statement, § 87(2)(b) alleged that Police Officer Radzinski pushed her once. In her sworn statement, § 87(2)(b) stated that Police Officer Radzinski pushed her a second time by placing his hands on § 87(2)(b)'s shoulders and pushing her back. She did not fall over. Police Officer Ramos then obtained § 87(2)(b)'s keys and gave them to § 87(2)(b). The officers finished loading the four prisoners into the van and transported them to the stationhouse. § 87(2)(b) followed them to the stationhouse in a taxi. When she arrived, she noticed that she could no longer feel her baby moving. After § 87(2)(b) filed her complaint against Police Officer Radzinski, she was taken to § 87(2)(b) by ambulance. An examination of her baby at the hospital found no issues with her pregnancy. § 87(2)(b) sustained no injuries during this incident.

§ 87(2)(b) stated that § 87(2)(b) arrived at the arrest location as he was being loaded into the van. He asked one of his escorting officers if they could give § 87(2)(b) his house keys. The officers agreed to his request. § 87(2)(b) started walking towards § 87(2)(b). Police Officer Radzinski, who had not been part of the discussion regarding § 87(2)(b)'s keys, stepped in front of § 87(2)(b). He placed one hand on § 87(2)(b)'s shoulder and one on her stomach and then pushed her backwards. § 87(2)(b) stumbled back a few steps but did not fall over. She did not appear to suffer any injuries as a result of this push. Several officers then stepped between § 87(2)(b) and Police Officer Radzinski, separating them. Police Officer Radzinski did not make any further physical contact with § 87(2)(b). § 87(2)(b) was not aware of § 87(2)(b) traveling to the stationhouse after his arrest. He was not aware of her receiving medical attention after the incident.

According to the narrative of the FDNY Prehospital Care Report Summary generated when § 87(2)(b) was taken to the hospital via ambulance, § 87(2)(b) informed EMS that she had been pushed in the abdomen during an unspecified altercation. § 87(2)(b) displayed no apparent signs of trauma. The report makes no mention of any issues with § 87(2)(b)'s pregnancy (See Board Review #07: Prehospital Care Report Summary).

The investigation was unable to obtain § 87(2)(b)'s medical records from § 87(2)(b). Because § 87(2)(b) was a minor at the time of the incident, § 87(2)(b)'s father, § 87(2)(b), signed a HIPAA medical release form on her behalf. The hospital returned the subpoena, requesting that a copy of § 87(2)(b)'s birth certificate be included in order to verify that § 87(2)(b)

§ 87(2)(b) was her father. Because the investigation was unable to obtain a copy of the birth certificate from § 87(2)(b) § 87(2)(b)'s medical records could not be obtained.

Police Officer Radzinski stated that when the four prisoners were moved to the prisoner van, a group of approximately fifteen to twenty bystanders, including § 87(2)(b) gathered around it and started shouting and cursing at the prisoners' escorting officers. Police Officer Radzinski and several other officers stood between the escorting officers and the bystanders in order to prevent the bystanders from interfering with the arrests. Police Officer Radzinski held both of his hands up in front of his chest with his palms open in order to prevent any bystanders from walking past him. § 87(2)(b) attempted to move past Police Officer Radzinski by pushing against the left side of his body with her shoulder. She reached her hands towards the prisoners while doing so. Police Officer Radzinski was able to hold fast against § 87(2)(b)'s force and did not move. Police Officer Radzinski stated that it was possible that § 87(2)(b) pushed against his open palms when she tried to move around him, but he was not certain of this. He denied that he or any other officer pushed § 87(2)(b) or otherwise made physical contact with her. He denied touching § 87(2)(b)'s stomach at any time. Despite this, § 87(2)(b) accused Police Officer Radzinski of pushing her. Police Officer Walcott then intervened by grabbing Police Officer Radzinski's arm and pulling him away from § 87(2)(b). Police Officer Radzinski and Police Officer Walcott returned to the 42nd Precinct stationhouse. Police Officer Radzinski did not interact with § 87(2)(b) when she appeared at the stationhouse.

Police Officer Radzinski prepared a TRI report to document the incident. The report states that he did not use any physical force against § 87(2)(b) (See Board Review #08: TRI Report).

Police Officer Walcott, Police Officer Hoxha, and Police Officer Ramos all stated that they observed Police Officer Radzinski and several other officers place themselves between the marked van and at least one civilian bystander. Police Officer Walcott and Police Officer Ramos recalled seeing § 87(2)(b) approach the van and ask to take custody of § 87(2)(b)'s house keys. Police Officer Hoxha recalled observing § 87(2)(b) shouting at officers, but did not recall what she was shouting. All three officers denied that Police Officer Radzinski or any other officer pushed § 87(2)(b) or made physical contact with her.

Police Officer Yaniris DeLeon prepared an AIDED report to document § 87(2)(b)'s hospitalization. The narrative of the report states that § 87(2)(b) was hospitalized because she was nine months pregnant and was experiencing abdominal pain (See Board Review #09: AIDED Report).

As previously discussed, the NYPD refused to provide BWC footage of this incident.

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (See Board Review #10: Civilian CCRB History).
- Police Officer Radzinski has been a member of the service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on January 31, 2019. It will be included in the case file upon receipt.
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (See Board Review #11: Civilian Conviction History).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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